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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,258	09/21/2001	Paramvir Bahl	MS1-0937US	4336
22801	7590	06/08/2009	EXAMINER	
LEE & HAYES, PLLC			REFAI, RAMSEY	
601 W. RIVERSIDE AVENUE				
SUITE 1400			ART UNIT	PAPER NUMBER
SPOKANE, WA 99201			3627	
			MAIL DATE	DELIVERY MODE
			06/08/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* PARAMVIR BAHL and ALLEN K.L. MIU

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Appeal No. 2008-6263  
Application 09/960,258  
Technology Center 3600

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Mailed: June 8, 2009

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Before DALE M. SHAW, *Chief Appeals Administrator*

ORDER REMANDING TO EXAMINER

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This application was electronically received by the Board of Patent Appeals and Interferences on August 14, 2008. Upon review of the application, it has been determined that a remand to Examiner, via the Office of the Director of the Technology Center, is necessary to consider the following issues and to take necessary corrective action.

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**CLAIM REJECTION WITHOUT CORRESPONDING  
GROUND OF REJECTION**

A review of the Final Rejection mailed on March 21, 2006, finds the following status of the claims: claims cancelled: none, claims allowed: none, claims rejected: 1-7, 19-26, and 38-40, claims withdrawn: 45-49.

While claim 26 is listed as rejected, there is no corresponding ground of rejection for this claim. A further review of the file finds that no amendment after final was filed.

A review of the Appeal Brief filed on February 15, 2007, finds that while claim 26 is listed as rejected, there is no corresponding ground of rejection for this claim.

A review of the Examiner's Answer mailed on June 14, 2007, finds that while claim 26 is listed as rejected, there is no corresponding ground of rejection for this claim.

**CONCLUSION**

Accordingly, it is  
ORDERED that this application be returned to the Examiner to:  
1) review the above inconsistencies to determine how to clarify the record;

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- 2) vacate the Examiner's Answer mailed on June 14, 2007, and
- 3) issue a corrected Examiner's Answer to correct the Grounds of Rejection and to correct other sections of the Answer as may be required;
- 4) include the necessary approval from the TC Director or designee in accordance with MPEP 1207.05, part (B) as may be required for any new grounds of rejection; and
- 3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DMS/bar

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